IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 24836 of 2005

For Approval and Signature:

HONOURABLE MR.JUSTICE K.M.MEHTA

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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JESWANT NATHAMAL SHAH - Petitioner(s)

Versus

STATE OF GUAJRAT THR' DY.SECRETARY & 2 - Respondent(s)

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Appearance :

MR.HARDIK BHARHMBHAT for Petitioner(s) : 1,
RULE SERVED BY DS for Respondent(s) : 1 - 2.
GOVERNMENT PLEADER for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE K.M.MEHTA

Date : 31/01/2006

ORAL JUDGMENT

1. The petitioner has filed habeas corpus petition under Article 226 of the Constitution of India challenging the order of detention dated 17.10.05 passed by the provisions of the Gujarat Prevention of

Anti-Social Activities Act, 1985 by respondent No. 2 Police Commissioner. When the matter was placed for hearing on 28.12.05. This Court issued Rule returnable on 16.1.06 on behalf of the respondent. Mr. Pujari learned APP appears on behalf of the respondent. With the consent of the parties the matter is taken up for hearing. Learned advocate Mr. Hardik Brahmadutt has stated that the present petitioner namely Jeswant Nathamal Shah is co-accused of Mahendrasinh Angadsinh Rajput in Special Civil Application No. 22064/05 dated 31.1.06. This court has already allowed the petition.The order of detention dated 17/10/2005 is quashed and set aside. The detenu Jeswant Nathamal Shah is ordered to be set at liberty forthwith if he is not required in connection with any other case. Rule is made absolute accordingly. Direct service is permitted.

(K.M.MEHTA, J)

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